DISTRICT OF COLUMBIA

CONSTITUTIONAL CONVENTION

- - -

Saturday, February 13, 1982

12:30 p.m.

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P R O C E E D I N G S

PRESIDENT CASSELL: Good morning. We now call the Convention to order, and we will have the roll call.

MR. COOPER: Delegate Baldwin.

MR. BALDWIN: Here.

MR. COOPER: Delegate Barnes.

MR. BARNES: Present.

MR. COOPER: Delegate Blount.

(No response.)

MR. COOPER: Delegate Bruning.

MR. BRUNING: Here.

MR. COOPER: Delegate Cassell.

PRESIDENT CASSELL: Present.

MR. COOPER: Delegate Collott.

(No response.)

MR. COOPER: Delegate Coates.

(No response.)

MR. COOPER: Delegate Cooper -- present.

Delegate Corn?

MS. CORN: Present.

MR. COOPER: Delegate Croft?

(No response.)

MR. COOPER: Delegate Eichorn.

MS. EICHORN: Here.

MR. COOPER: Delegate Feeley.

PRESIDENT CASSELL: She is here, somewhere.

MR. COOPER: Delegate Garner.

(No response.)

MR. COOPER: Delegate Graham.

(No response.)

MR. COOPER: Delegate Harris.

MS. HARRIS: Here.

MR. COOPER: Delegate Holmes.

MS. HOLMES: Here.

MR. COOPER: Delegate Jackson.

MR. JACKSON: Present.

MR. COOPER: Delegate Johnson.

MS. JOHNSON: Present.

MR. COOPER: Delegate Jones.

MS. JONES: Here.

MR. COOPER: Delegate Jordan.

(No response.)

MR. COOPER: Delegate Kameny.

MR. KAMENY: Here.

MR. COOPER: Delegate Lockridge.

(No response.)

MR. COOPER: Delegate Long.

MR. LONG: Here.

MR. COOPER: Delegate Love.

(No response.)

MR. COOPER: Delegate Maguire.

MS. MAGUIRE: Here.

MR. COOPER: Delegate Marcus.

MR. MARCUS: A pleasant good afternoon to you.

MR. COOPER: Delegate Charles Mason.

MR. MASON: Here.

MR. COOPER: Delegate Hilda Mason.

MS. MASON: Here.

MR. COOPER: Delegate Brian Moore.

MR. MOORE: Present.

MR. COOPER: Delegate Jerry Moore.

(No response.)

MR. COOPER: Delegate Talmadge Moore.

MR. T. MOORE: Here.

MR. COOPER. Delegate Nahikian.

(No response.)

MR. COOPER: Delegate Nixon.

MR. NIXON: Here.

MR. COOPER: Delegate Oulahan.

(No response.)

MR. COOPER: Delegate Paramore.

(No response.)

MR. COOPER: Delegate Robinson.

MR. ROBINSON: Here.

MR. COOPER: Delegate Rothschild.

(No response.)

MR. COOPER: Delegate Schrag.

MR. SCHRAG: Here.

MR. COOPER: Delegate Shelton.

(No response.)

MR. COOPER: Delegate Simmons.

(No response.)

MR. COOPER: Delegate Street.

(No response.)

MR. COOPER: Delegate Terrell.

(No response.)

MR. COOPER: Delegate Thomas.

MR. THOMAS: Here.

MR. COOPER: Delegate Warren.

(No response.)

MR. COOPER: Delegate Freeman.

MS. FREEMAN: Here.

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MR. COOPER: Mr. President, we have 26 members answering the roll.

PRESIDENT CASSELL: Has anybody come in since the roll was called whose name was not called?

(No response.)

PRESIDENT CASSELL: Okay. We're at a bit of a disadvantage today because we don't have copies of the minutes, and we do not have copies of an agenda. The Secretary will read the minutes, and we're going to have to discuss them and adopt them item by item. We have not been able to find any reproduction facilities in this particular building.

Yes?

MS. HARRIS: Let me ask the Chair if it is in order for us to table the minutes until we can get copies.

PRESIDENT CASSELL: Yes.

MS. HARRIS: I move that we table the minutes until we get copies so that we can all read them, reflect on them, and be able to vote on them intelligently because I don't think we can do that with just it being read.

(The motion was duly seconded.)

PRESIDENT CASSELL: Okay. It has been moved and seconded that we table the minutes until we have facilities to reproduce them.

MS. HARRIS: I call the previous question.

PRESIDENT CASSELL: The question has been called.

Are you ready for the vote?

All in favor of that motion, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstentions?

(No response.)

PRESIDENT CASSELL: The motion carries.

The first thing I would like to do is to present to us the new officers that we have. We started their process late, the night before last, and we found ourselves convening before we actually had an opportunity to do that, and I'd like each of the officers to have something to say to you.

Would the officers come up to the front here? The space we've got up here is rather limited, but I'd like to make a short address, and I'd like for our officers to come up. Perhaps you ought to come up just one at a time.

First of all, I'd like to thank anybody for the way in which we've gone about bringing our Convention to this po and getting officers. There were some tensions during that process, but I'm very encouraged by the way in which we

utilized that period for the pre-convention training, by the seriousness and purpose of all the pre-convention committees, and by the fact that we are at the point now where we can almost begin. We have a list of things which I will read that we have yet to do. But I want to thank you all for your vote for me for President. I want to say that I feel that this Convention now has the potential to be together, and thatwe are going to function in a harmonious way, that there is no bitterness, there is no residual antagonism. I thank everybody for your seriousness of purpose right up to this point.

I'd like also just to say for the record that I'd like to commend -- and I think I speak for all of us -- the citizens of Washington, D.C. for bringing us to this point. We have been struggling for one form of home rule or another for the past 100 years, and we finally have movement toward something which is real and could actually be presented to the United States Congress this year or next. And I am very much encouraged by that.

I'd like to thank Mayor Barry for his support for this Convention up to this point, in the provision of facilities, in paying for those facilities, that amount which is not to be covered by the University, and for his provision of furniture, equipment, and for his standing ready to provi

for us additional services in the way of telephone installation and the personnel that he has given us so far, and the fact that he has indicated that if what we have at this point is not sufficient, that more may be forthcoming.

I'd like to thank also the 51st State Committee.

These are the citations that I hope that we are going to make. We began that, as you recall, the last time. The 51st State Committee, for the very fine preparations that have been made for this; for the work that went into the preparations for this Convention long before the Convention began; for the training that they were able to bring to us from the University of the District of Columbia and Howard University, and for the leadership that was provided by its Chairperson, Mrs. Lillian Huff.

I'd like to thank the University of the District of Columbia for making the facilities available to us on the Van Ness Campus, and our permanent home now, at 10th and E Street, in the PEPCO Building, which is the University's Building 17.

I'd like to thank Howard University and the University of the District of Columbia for the people that they have provided us; for the professors, who gave us some very, very valuable background and training, in the writing

of the Constitution, the politics of the writing of the Constitution, and the background, and then the Articles of the Constitution, simply how to approach that. I'd like to thank the Howard University for making their facilities available to us over a period of many, many weeks. I'd like to especially thank Dean Lawson, who arranged for that provision of service to us over a period of weeks, and the professors that he brought into our service, and also, for the fact that he has been serving on a voluntary basis as our Parliamentarian, and the University has indicated that they are still prepared to provide for us other services.

I'd like to especially thank Lillian Huff, who became a very, very competent Chairperson. We started off, perhaps, in a little shakey way, but toward the end, I think we were quite well together, and I think that Lillian did an excellent job.

I hope that we are prepared to provide a citation, by motion, to each of these individuals, and it may be that one of these committees whose reports I've gotten at this point has already done that.

I want to say also that I really have confidence that this is not just an exercise. I look forward to what we are going to do as the production of a document which will b

accepted by the citizens. I also feel that there is no reason for us at this point to be doubtful about the possibility of the United States Congress accepting this. We are 45 delegates who have been elected by a substantial portion of the electorate in this city. I would think that those electors expect that a document will be produced that will have some chance of being passed, and I think what we need to remember is that those people are still a resource to us, and that if we involve that community in the development of this document, if we utilize all the resources that can help us to sell this, that there is a possibility -- and that possibility may not be a very low one, either -- that we can actually pass this document.

So I would hope that in all of our expressions to the press from this point on, that we will take a really positive view and not give the press a basis anymore for saying that there are doubts, at least among us. I think if we have a positive attitude toward this, that that will have a significant influence on the public themselves.

Finally, I would like to ask each of the officers in whom you have placed your confidence and for whom you have voted to come up and to address this Convention, and then we will get on with the next order of business.

Now, I give to our our First Vice President, Delegate James Baldwin.

MR. BALDWIN: Thank you, Mr. President.

I would like to, as the President did, thank you for your support, and secondly, say the role of the First Vice President, as I see it, has two primary objectives, specifically to pinch-hit and Chair the meetings of both the Convention and the Executive Committee in the absence of the President. I think I can do an adequate job there. The second is to monitor and be somewhat responsible for five of the committees. And whichever part is assigned to me, you can rest assured I will do exactly that.

Above and beyond that, I would like to share with you some of my concerns regarding us as drafters and framers of the Constitution. In addition to those 10 substantive committees that we have to deal with, there are several other serious areas that we must grapple with and deal with. One is individual rights versus property rights; secondly, liberalism versus conservatism; and thirdly, the whole context of the Constitution because some of us see us as legislators, and I think we as drafters and framers should keep in mind that we are to draft and come up with somewhat of an outline, really, and not be legislators and sometimes play the role of

administrators in the drafting.

Thank you, Mr. President.

PRESIDENT CASSELL: All right. Next, we will hear from the Second Vice President, Delegate Harris.

MS. HARRIS: Thank you very much, Mr. President.

I am very thankful for your confidence in voting me as Second Vice President, and I will work very closely with the President and the Executive Committee in carrying out those duties that will be assigned to me of the five substantive committees and any other assignments that the President and Executive Board of the Convention deem necessary, I will fulfill those duties to the best of my ability.

I will work very hard in supporting and coordinating the work of those committees and the Convention delegates in any way that you see fit, in trying to finalize what we hope to be a very good document in the end.

I'd just like to say that it is my hope that we stay very close to the model constitution and work very hard in putting in just those key issues that we feel are crucial to the residents of this City and move for its ratification. And I will support the President and the officers, and I am very pleased to be a part of the Executive Committee and this body.

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PRESIDENT CASSELL: Thank you.

Third Vice President, Delegate Freeman.

MS. FREEMAN: I, too, want to thank everybody for your support of me. I realize that my election was among the more difficult here at the Convention, and I just want you to know that I plan to work with everybody here closely, and there will be no problems from my end on that issue.

I would like to echo the words of my fellow brothers and sisters on the Executive Committee, that I advocate a simple, short Constitution that looks at the long road, not the short end, and that I personally am deeply committed to statehood for Washington. I believe that is the goal we have to look on and, as Mr. Baldwin has also said, not looking to document which would be a legislative document.

I hope to work very closely with the Executive Committee and follow the leadership of the President and my fellow officers and serve the committees as Third Vice President.

Thank you all.

PRESIDENT CASSELL: Okay. Our Secretary, William Cooper.

MR. COOPER: I, too, would like to thank everyone for their gracious support. I think the task of the Secretary would be certainly assisted a great deal if we were to hurry

up and pass this Convention budget, because it calls for a lot of staff, so I hope we can work on that today.

(Laughter.)

PRESIDENT CASSELL: Okay. The Assistant Secretary, Delegate Richard ~~Rooney~~ Bruning

MR. ~~ROONEY~~ Bruning: I'd like to thank everyone for their support. I plan to work closely with everyone on the Executive Committee, and I will be particularly solicitous of the health of Mr. Cooper.

(Laughter.)

PRESIDENT CASSELL: The Treasurer, Delegate Theresa Jones.

MS. JONES: Good morning. I'd like to thank everybody for their votes. The vote was unanimous, and I appreciate that. And hopefully, I will have the support of everybody in here, because I have to have a conversation with everybody in here -- in fact, I have already been approached, and people are saying they want their checks on time.

(Laughter.)

MS. JONES: And hopefully, I will have the cooperation of everybody in here, and I certainly intend to cooperate and support each and every delegate who is here to do a job.

Thank you.

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PRESIDENT CASSELL: Finally, our historian, Vicki Street -- she is not here yet.

Now, we have quite a few tasks to complete before we begin the actual Constitution writing. I'd just like to list those and get your reactions to them, and if there is anything that I have left out, then let's include that also.

The first thing we have got to do is complete the adoption of the rules, and we have gotten as far as Chapter 3. We have yet Chapter 4 on voting, Chapter 5 on motions, Chapter 6 on the order of business, Chapter 7 on the amendment of rules, and Chapter 8 on the general provisions. I am sorry I can't pass out copies of this, because I'd like for us to be able to look at that.

The second thing we have to do is to fill the Convention Committee positions and elect the chairpersons of those committees. And under that, I have listed, "Approve the committees to be coordinated by the First and Second Vice Presidents, respectively." We know that the rules indicate that those Vice Presidents will coordinate the work of each of them of half of the committees, but there is not an indication of which half. So we have got to convene the Convention for the selection of the committees by the delegates in accordance with the rules of the Convention, and

then we have got to decide which of those committees they will coordinate.

We have got to establish the Convention financial procedures, and that is before us. We have a recommendation from the Ad hoc Committee, which has been talking to the D.C. Government, Mr. Dwight Crop's office.

We have got to obtain our staff, and we have a recommended procedure for doing that.

We also have to obtain such voluntary assistance that may be available to us. Then, we have to determine the utilization of the available space that we have at the UDC Building Number 17.

We have got to acquire the necessary supplies to begin operating, and equipment and furniture, and arrange for telephone installation.

That is a list of the things that we have to do yet before we begin writing the Constitution.

Is there anything else that we need to consider prior to that -- and I'm sorry there isn't a blackboard or something that we can write that on.

Shall I read those once more?

Complete the rules of adoption. That's the first task before us.

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Fill the Convention committee positions and elect chairpersons to those committees.

Establish Convention finance procedures. And we have an ad hoc committee that has been working on that.

We then must obtain staff, and we have recommendations on that from that ad hoc committee.

Assuming that the staff that will be available to us through our own funds may not be adequate, we have to obtain voluntary assistance. You will remember that the Resources Committee made some recommendations about that.

And then, finally, we have to determine how we are going to utilize the space that we have at the University of the District of Columbia, Building 17, the building where we have been meeting at the last two meetings. We're going to have to buy the supplies we need, furniture, equipment, and arrange for telephone installation.

That is a list of the tasks that we have to complete before we can begin the Constitution writing. We need to decide on the schedule for getting those things done and decide when we want to begin the actual writing of the Constitution itself.

Now, let me ask if there are any additions to that.

Delegate Schrag?

MR. SCHRAG: This is sort of trivial, but we have talked about passing a resolution to improving the parking conditions at the Convention headquarters. I suspect that this is only a start, because once committees are in operation they may not be meeting only in the evening; some of them may meet afternoons, if that is convenient for committee members. And so perhaps one additional task would be to survey if there are any further possibilities for improving the parking situation in that location.

PRESIDENT CASSELL: Okay.

Any others?

MR. BALDWIN: Baldwin, from Ward 7.

Mr. Chairman, I think the list that you gave could be merged into three specific areas: one, the completion of the rules; the second is the staffing of the committees, and thirdly, a report that I would call a budget, that would include finances and all that. To me, those are the three primary areas that you gave.

And while I have the floor, I would like to see those kind of prioritized or put into order, and I think the results of that, then, we can move into why we are here, working on starting to write the Constitution. In other words, if we could complete rules today, as I see it, we shoul

then move to a budget, and then from the budget to the committees. And since the chairmen will be elected in the committees anyway, I think really, just staffing the committees with delegates. At that point, we would start meeting with our subcommittees, and we'd be well on our way.

PRESIDENT CASSELL: Would you care to make a motion to that effect?

MR. BALDWIN: It would be a kind of complex motion.

PRESIDENT CASSELL: Well, just for the prioritizing.

MR. BALDWIN: I would move that we accept the President's plan of action, that it be set up in three specific areas -- one, the completion of adoption of the rules; secondly, the staffing of the committees, both substantive and nonsubstantive; and thirdly, the action on the budget, the acceptance and adoption of a budget.

PRESIDENT CASSELL: Is there a second to that?

(The motion was duly seconded.)

PRESIDENT CASSELL: Okay. It has been moved and seconded that we complete our work today by dividing the tasks that I listed into three, and that is, to complete the adoption of the rules, the continue with the staffing of the committees, and to work on the budget, and hopefully, complete that.

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Are you ready for the question?

All those in favor of the motion made by Delegate Baldwin, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstentions?

(No response.)

PRESIDENT CASSELL: The motion passes.

Yes?

MR. B. MOORE: Mr. Chairman, I'd like to add my comment as a delegate to the spirit of this morning's initial comments by the officers, because there may be some concern and some misunderstanding by my colleagues here.

There have been comments, commitments by the officer to statehood, and there have been comments in the newspapers by myself and others about our concern about the cause of statehood, and maybe alternative ideas. I would like to assure my colleagues that, despite my consideration of alternative ideas, I as a delegate am committed to writing a Constitution for statehood, and I would assume and believe that the other delegates who may have ideas along those lines are also duly committed to statehood. I would like to reass

you and my colleagues of that.

PRESIDENT CASSELL: Thank you.

Are there any other comments along those lines?

Delegate Corn?

MS. CORN: Point of personal preference.

I know what Article Delegate Moore is referring to I, for myself, would like to state for the record that when I ran, I never said there would be or there would not be statehood, but that I would do my best to write the best Constitution to best represent my constituents and the citizens of the District of Columbia. To that, I was sworn and pledged. That was my platform. That, I intent to maintain.

PRESIDENT CASSELL: Okay. Thank you.

Anyone else?

MS. CORN: May I bring up another matter?

PRESIDENT CASSELL: Is it pertinent to the adoption of the rules?

MS. CORN: Not exactly.

PRESIDENT CASSELL: Yes?

MS. CORN: Just as the parking situation is a matter of convenience for the delegates, I would like to bring up one more matter which has been a silent war -- this issue of smoking versus non-smoking.

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There are several of us who are very heavy smokers, and there are others of us in this room who despise smoke. Could we have a call of whether or not smoking will be allowed in the Convention?

PRESIDENT CASSELL: Delegate Mason?

MS. MASON: There is a law in the District of Columbia that says that smoking is prohibited in any government owned building when there is a meeting going on.

MS. HARRIS: Mr. Chairman, in relationship to what the two ladies have just stated, we might have to make a recommendation on smoking, because I teach in Building 17 at UDC, and smoking is permitted; it is permitted in the classroom, and it is permitted in that building, and it has been done. So we might have to make a recommendation, because smoking is permitted in all UDC buildings.

PRESIDENT CASSELL: Yes?

MS. EICHORN: Mr. President, I wonder if, at our next meeting at UDC, an area could be set aside that would make it less distasteful to others. If we could try to --

PRESIDENT CASSELL: Well, the Convention can make its own rules.

MS. MASON: Mr. President, I could not hear the last speaker.

PRESIDENT CASSELL: I'm sorry. Would you repeat that?

MS. EICHORN: I suggested that at our next meeting, we try setting aside a smoking area and see if that becomes acceptable to the majority of the delegates; if not, we could discuss it further.

PRESIDENT CASSELL: Delegate Mason?

MS. MASON: Mr. Chairman, I took a vow when I was sworn in that I would obey all laws of the District of Columbia. I would not vote to support smoking in any of the rooms where there is a meeting going on if the building is owned by the District of Columbia, where the rent is being paid by the District of Columbia. That would be in violation of my oath of office.

MR. CROFT: Mr. President, if there is no motion on the floor --

MR. BALDWIN: There is a motion.

MR. CROFT: There is a motion on the floor, and that motion does not have anything to do with smoking, as I understand. Can we act on the motion?

MR. BALDWIN: We didn't make any motion.

MR. JACKSON: I'd like to ask a question about the motion. Do we take these three things in order and [illegible]

them today, or is the motion that we take these three things in order and finish them whenever we get to them?

PRESIDENT CASSELL: That motion passed. There is no motion on the floor.

MR. JACKSON: The motion passed? I had a question about the motion; all I want is a clarification. Is the motion that we have these three substantive things and we do them in order and finish them today, or is it that we do them and finish them when we finish them?

PRESIDENT CASSELL: Delegate Baldwin indicated that he would like to complete those three items in that order, today. That was the sense of the motion.

MR. KAMENY: Not today; just do them.

MR. BALDWIN: Not today, not today.

MS. CORN: As soon as possible.

PRESIDENT CASSELL: The Chair stands corrected.

MR. BALDWIN: That would be what is called our order of business. We might take two meetings, three meetings. That's all that did.

MR. CROFT: Mr. President, I so move the order of business today.

(The motion was duly seconded.)

PRESIDENT CASSELL: All right. It has been moved

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that the order of the business proceed.

All in favor of that motion, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstentions?

(No response.)

PRESIDENT CASSELL: The motion passes. We now proceed with the completion of the adoption of the rules.

We have completed Chapter 3. We are now on Chapter 4.

Delegate Charlotte Holmes.

MS. HOLMES: Mr. Chairman, I make a motion that we adopt Rule 4.1 with the corrections and amendments.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that Chapter 4 on voting be adopted with amendments. Is there any discussion on that motion?

Mr. Baldwin?

MR. BALDWIN: Mr. President, one minor point is the sentence which states that if a quorum is not present, the Convention may recess for 20 minutes in order to locate absent delegates. Even though it's a minor point, I think it

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should be corrected. We really can't recess unless we convene, and you don't convene without a quorum. So you can't recess and go out and get the delegates.

PRESIDENT CASSELL: Would you want to amend that?

MR. BALDWIN: Well, I just think it should be stricken out. You can't recess unless the rules committee has said what they have in mind -- you really can't recess when you haven't convened.

PRESIDENT CASSELL: Delegate Kameny?

MR. KAMENY: Yes. May I suggest that Delegate Baldwin's concern might perhaps be addressed by changing the word, "convention", in that sentence to "delegate", and that, I think, would do it. An unassembled body of delegates can always recess.

MR. BALDWIN: That would do it.

MR. KAMENY: I so move.

PRESIDENT CASSELL: Delegate Harris?

MS. HARRIS: What was the decision?

PRESIDENT CASSELL: He would change the word, "convention", to "delegates".

MR. KAMENY: In that one sentence, line 4.

PRESIDENT CASSELL: So that it reads that if a quorum is not present, the delegates may recess f[illegible] 20 minute

in order to locate absent delegates.

MS. HARRIS: Okay.

MR. KAMENY: Because if there is not a quorum, it is not the Convention at that point.

PRESIDENT CASSELL: Delegate Schrag?

MR. SCHRAG: I don't think this change is necessary because this rule has to be read together with Rule 8.1 on quorum. If you read them together, you see the following pattern. When a meeting is trying to convene, but there aren't 23 delegates present, then the Convention is not in business, and the only thing that the delegates present may do is to adjourn the Convention from day to day.

What 4.1 has to do with is, when there has been a quorum present, but there is no longer a quorum present, then the meeting is official -- the meeting is still taking place, but the convention may recess for 20 minutes to go out in the halls and find them, where they are smoking or eating or drinking, and bring them back in and get on with the business.

PRESIDENT CASSELL: Delegate Harris?

MS. HARRIS: Point of information. I guess I'm not tuned in to Delegate Schrag's explanation. I read the section on voting, and I thought the sense behind that was the assert

that was made by Delegate Kameny, that, like if this Convention is called, and there are not enough delegates here, then there is not any quorum, and no delegates here can go out and find delegates intending to start the convention business -- not if a quorum is present, and they recess, and people go off and you go find them.

So his assertion is correct, that the delegates may recess.

MR. SCHRAG: There is no harm in the correction, but it is not necessary, because if the Convention hasn't convened yet for that day, then, just as an informal matter, delegates can go out and try to find people until they have a quorum. If the Convention has convened for that day, but people have drifted away, then it is the Convention that may take a recess for 20 minutes in order to locate absent delegates.

So between 8.1 and 4.1, the problem is taken care of, and no change is necessary. It doesn't do any harm to change the word.

MS. HARRIS: Yes, because I think the word really clarifies what the intent of this was; I understand 8.1.

PRESIDENT CASSELL: Delegate Kameny?

MR. KAMENY: We might sort of address all issues, if I might suggest, by saying, "If a quorum is not present or

is no longer present, the delegates may recess," I guess.

PRESIDENT CASSELL: All right.

MR. [illegible]: I so move.

Mr. LAMIS: The only question I have --

[illegible] motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that the wording be changed.

MR. ROBINSON: Can we please have the wording of the substitution?

MR. KAMENY: Yes. The sentence would now read, "If a quorum is not present or is no longer present, the delegates may recess," and so on.

PRESIDENT CASSELL: Okay. The motion now reads, "If a quorum is not present or is no longer present, the delegates may recess for a period of 20 minutes in order to locate absent delegates."

Are you ready for the question?

All in favor --

MS. SIMMONS: Mr. Chairman, was that time limited to 20 minutes -- is that definite -- not more than 20 minutes? How am I to interpret that?

PRESIDENT CASSELL: It reads now, "for 20 minutes."

MS. SIMMONS: I believe I [illegible] like to make sure

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the interpretation is that that means not more than 20 minutes? If that's fine. If it doesn't, I think it ought to be inserted, "not more than 20 minutes".

PRESIDENT CASSELL: I think it would have to be so specified.

MS. SIMMONS: Then, may I so move.

(The motion was duly seconded.)

MS. SIMMONS: That would be to insert after the word, "for", "not more than 20 minutes".

PRESIDENT CASSELL: Okay. It has been moved and seconded, an amendment to the motion which reads now that, "If a quorum is not present or I go longer present, the delegates may recess for not more than 20 minutes in order to locate absent delegates."

Yes?

MR. BALDWIN: My point, Mr. Chairman, is still germane to 4.1, but also deals with Chapter 3.1, and I would like for the committee to see if I am interpreting what the motion is. As I interpret the motion, Delegate Kameny, it is that we would need a quorum at all times in order to do business. That's my interpretation.

MR. KAMENY: That's my understanding of what people want.

MR. BALDWIN: Okay. Then, if we look at 8.1, "... a smaller number may adjourn the Convention from day to day". -- my question to the committee is does that, in fact, mean, then, that you had a quorum, and as people leave, you can still do business and adjourn with a smaller number less than a quorum? Those are two conflicting things that I see, if I am giving the proper interpretation. I'm not saying I am, but that's how I interpret it.

PRESIDENT CASSELL: I would like to point out that Chapter 8.1 has not yet been adopted.

MR. BALDWIN: You are right. Okay.

MR. KAMENY: Let's move to vote, if we can.

MS. MASON: Mr. Chairman, Hilda Mason speaking.

I think in answer to the question, according to Robert's Rules and many other rules existing around the country, Mr. Baldwin's question is a good one. From what I interpret it, the way Robert's Rules read, if you don't have a quorum, but if no one calls a question of a quorum, you can still carry a meeting, but if someone calls the question, then you have to ask.

PRESIDENT CASSELL: Very good. There is an amendment to the amendment. It has been properly moved and seconded that the wording be changed to, "recess for not more than 30

minutes."

Are you ready for the question?

All those in favor of that amendment to the amendment signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstentions?

(No response.)

PRESIDENT CASSELL: The motion carries.

We are back to the original amendment now, which says, "If a quorum is not present, or is no longer present, the delegates of the Convention may recess for...," et cetera, et cetera.

Are you ready for the question on that?

MS. SIMMONS: Not "et cetera". There is very specific wording.

MR. KAMENY: Yes, well, he means what follows.

PRESIDENT CASSELL: The Chair apologizes, and the Chair is willing to repeat it in its entirety.

MS. SIMMONS: All right. I just wanted to be sure you hadn't failed to pick it up.

PRESIDENT CASSELL: Hilda Mason?

MS. MASON: I'm calling attention to the provision which says that "The only proper votes shall be 'Yes', 'No', and 'Abstain'" and that means we have to follow that -- not "Aye" and "Nay" --

MR. KAMENY: But we're not up to that yet.

MS. MASON: That is in the section --

MR. KAMENY: We're not dealing with that. We're dealing with the amendment to the one sentence that we've been discussing so far.

(Simultaneous conversation.)

PRESIDENT CASSELL: Order, please.

MS. MASON: I apologize, Mr. President.

PRESIDENT CASSELL: Ms. Freeman?

MS. FREEMAN: Hilda Mason raises a point which is that the other night, many of us were passing on several questions.

Delegate Harris, who wrote the provision, does that mean that "Pass" will no longer be a proper vote?

MR. KAMENY: We're not up to that yet.

MS. FREEMAN: We should complete this motion concerning the sentence that we were amending and then go to the next.

MR. KAMENY: Yes.

PRESIDENT CASSELL: The point is well-taken.

All those in favor of the motion as amended, signify by saying aye.

(A chorus of "ayes.")

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstentions?

(No response.)

PRESIDENT CASSELL: The motion passes.

Delegate Marcus?

MR. MARCUS: I would like to pick up on the question that Delegate Freeman raised in regard to the last sentence of 4.1, which is that the only proper votes shall be "Yes", "No" and "Abstain" --

MS. MASON: I raised it.

MR. MARCUS: I'm sorry. Delegate Mason raised it first, and Delegate Freeman followed up on it with discussion regarding the procedure of passing.

I would like to amend the last sentence to strike "and" where it is and insert the word "pass" between the words "No" and "Abstain".

I so move.

(The motion was duly seconded.)

PRESIDENT CASSELL: The Parliamentarian has point[illegible] out that "pass" only applies when there is a roll call vote, and that [illegible] is this does not specify roll call, that "pass" would not be appropriate to: "Yes", "No", "Abstain".

[illegible] motion?

MR. SCHRAG: I'd like to call the attention of the delegates to rule 4.2, which is really [illegible] about the whole procedure of passing --

MR. BALDWIN: Did we do 4.1?

MR. SCHRAG: -- I know, but I'm responding to the motion on the floor -- the whole idea of alphabetical rotation of roll call [illegible] is to spread out evenly among the delegates the pains and pleasures of coming at the end of the roll call --

MR. KAHENY: Or the beginning.

MR. SCHRAG: -- the beginning or ending -- the whole point of passing is to vote strategically, so you can see how everybody else has voted before you have to vote.

Now, Rule 4.2 addressed this. We have copied the procedure which is used in the Council, which is that on every subsequent vote, the alphabetical order starts with the next person in the alphabet, so everybody gets an equal chance to be at the end of the alphabet. [illegible] of this, by

eliminating passing, is that our roll calls will be half as long as they would have to be if we go through the alphabet twice with passes.

And to save time of this Convention, I urge the delegates to adopt [illegible] and to reject the amendment that is on the floor now, which would permit -- the amendment that may be offered by Delegate Harris, to permit passing. Instead of passing, we simply take our luck, take our chances, as to where we fall in any particular roll call.

PRESIDENT CASSELL: Delegate Simmons, and then Delegate Moore.

MS. SIMMONS: Mr. Chairman, I would like to, through the Chair, ask Delegate Marcus -- while he is amending, rather than to have two amendments -- if he would be willing to change "Yes" to "Aye", because I can see us wasting a lot of time just out of habit and acculturation, if we say "Aye", and we don't say "Yes", and then we have go to back and make everyone say "Yes" again.

So I wondered if he would consider that as part of his amendment.

MR. MARCUS: Certainly. I would like to add something to that, as well, that "Aye" will stand for "Yes" and "Nay" can also stand for the word, "No". I certainly

accept that.

I'd like to speak to my amendment, if I could. Though I didn't use the procedure of "pass" the other evening during roll call votes, and while I understand the point of Rule 4.4, I occasionally think strategically as well, and I would like to have the opportunity to do that on a roll call vote. Therefore, I have to urge [illegible] for the amendment that I offer.

PRESIDENT CASSELL: Delegate Moore?

MR. T. MOORE: Mr. President, I wanted to speak to the comments that Delegate Schrad made. I don't see how we can pass 4.2 when we haven't passed 4.1.

PRESIDENT CASSELL: Well, we're really not on that.

MR. T. MOORE: I know. He indicated that.

PRESIDENT CASSELL: That was for the purpose of clarification of 4.1.

Delegate Harris?

MS. HARRIS: I'd like to move, if I could, that we divide the amendment as Delegate Simmons initiated and Delegate Marcus, because I think that they are two separate issues, and we ought to vote on them separately.

MR. MARCUS: Tell us what they are.

MS. HARRIS: Yours is the "Aye" and the "Nay", and

his is that we insert "pass" after "no". I think we ought to separate the two.

PRESIDENT CAMPBELL: Would you repeat your motion?

MS. HARRIS: My motion is that we divide the two amendments -- will the amendment from the motion.

Mr. MARCUS: The amendment that I accepted --

MS. HARRIS: Yes. I'd like to divide those two, because one is on how we will vote, and the other is inserting "Pass" in after "No". And I'd like to divide the two.

MR. RAMSEY: Second.

PRESIDENT CAMPBELL: Okay. It has been moved and seconded that the vote be divided on how we vote, and then, the nature of the motion itself.

MS. HARRIS: Yes.

MS. SIMMONS: Mr. President, then, I guess what I would like to move as an amendment will be that we say, "The proper vote shall be 'Yes' or equivalent or 'No' or equivalent, or 'Abstain' -- you know, some people say "Nay", as Delegate Mason indicated, instead of "No", and some people say "Aye" instead of "Yes" -- and it can be "Si", and there can be the Asian version of "Si".

PRESIDENT CAMPBELL: Delegate Simmons, are you

making a substitute motion to the amended motion.

MS. SIMMONS: Yes, that's the extent of my remarks. The substitute motion, Mr. President, would be as follows: "only proper votes shall be 'yes' or 'no' equivalent, and 'Abstain'" -- if he wants "Pass" --

MR. KAMENY: Well, that, we've divided, so that's a separate motion.

MS. SIMMONS: All right. This is the substitute at this moment.

MR. KAMENY: Second.

PRESIDENT CASSELL: Okay. The substitute motion applies to the entire chapter, the entire Rule 4.1. Does that substitute motion refer also to the second sentence, "If a quorum is not present or is no longer present".

MS. SIMMONS: No, no.

MR. KAMENY: No, just the meaning of the last sentence. We're just amending the last sentence.

MS. SIMMONS: That's what is before us.

PRESIDENT CASSELL: But this is an amendment to the last sentence.

MR. KAMENY: Yes.

PRESIDENT CASSELL: Okay. There is a substitute motion, and that substitute motion to the [illegible]

indicates that the motion that is on the floor now is a motion to divide, because Delegate Simmons was simply adjusting the language to Delegate Marshall motion.

Is the motion to divide now clear?

...on the floor of that motion, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed, nay.

(A chorus of nos.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: Very good. That motion passes.

Delegate Coates?

MR. COATES: Mr. President, am I in order to offer a further amendment to Rule 4.1?

MR. KAMENY: No. We have to vote on the amendments we've got now and get them out of the way.

(Simultaneous conversation.)

(President Cassell conferring with Parliamentarian.)

PRESIDENT CASSELL: Delegate Coates, is your motion germane to either half of that motion?

MR. COATES: No, it is not.

PRESIDENT CASSELL: Mr. Simmons, would you restate your motion now?

MR. SIMMONS: The Secretary has it; it is in his possession.

PRESIDENT CASSELL: The Secretary has agreed that he will restate it.

MR. SIMMONS: The Secretary asks me to restate it. I know what I did. It is "Yes" or equivalent, "No" or equivalent, and "Abstain".

PRESIDENT CASSELL: Okay. The motion of the floor is to change the last sentence so that it reads, "The only proper votes shall be 'Yes' or equivalent, 'No' or equivalent, and 'Abstain'."

Is there any discussion on that motion.

(No response.)

PRESIDENT CASSELL: Are you ready for the question? Yes?

MR. B. MOORE: Yes. I'd like clarification from one of the persons who was objecting -- I believe it was Mr. Schrag who was objecting -- to either this part of the amendment or the second part -- I'll withdraw that. It's in reference to the second part.

PRESIDENT CASSELL: Very good. Are you ready for the question on Delegate Simmons' motion?

Those in favor, signify by saying

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed, no.

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The motion passes.

We are now back to the main motion. We are back to the motion to insert "Pass", by Delegate Marcus.

Yes?

MR. LONG: I have to speak against the motion, because the word, "Pass", has no meaning on a regular vote. The only place it has any meaning is in a roll call vote, so it is inappropriate at this time, unless extensively modified somehow.

PRESIDENT CASSELL: Discussion?

MR. MASON: I believe that the use of the term, "Pass", is not a vote. It has to do with the timing of a vote. As Delegate Schrag pointed out, we have provided for that by rotating the vote.

I also think that the situation in which the use of "pass" is common and logical are those like a party convention where the roll is called not as individual delegates, but of state delegations, and the state delegation may not have

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found all its members, and therefore can't put in the vote at that moment, so it says "Pass", and they come back; where the roll is being called of individual members,not groups, there is no particular need to using the "Pass".

But in any event, the word, "Pass", is not a vote. It is a request to be called upon later to vote.

PRESIDENT CASSELL: Delegate Barnes?

MR. BARNES: I would like to ask the people who are saying that "Pass" should not be used in 4.1 whether they feel that that should be included in 4.2 instead.

PRESIDENT CASSELL: Yes, Delegate Marcus?

MR. MARCUS: Mr. President, in order to clear up the ambivalence in regard to the placement of that, and in regard to the placement of that amendment, I will withdraw the amendment from the floor, if that is in order.

PRESIDENT CASSELL: Yes, Delegate Coates?

MR. COATES: Thank you, sir.

I propose the following amendment to Rule 4.1, to be added at the appropriate location. The amendment is as follows: "No motion may be reconsidered unless the motion was adopted by roll call vote."

The reason for proposing such amendment is that on some of the potentially controversial issues that we have,

we may have votes by "Yes", "No", or equivalent, show of hands what-have-you, which may become the subject of reconsideration and the alleged position that one voted on the prevailing side. It could not be determined except on the representation by that person, by the delegate. It would seem to me that the better part of wisdom, considering the thorny issues that we will be seeking to resolve, would be that we document our position in the event we wish to offer a motion to reconsider, by inserting that amendment to Rule 4.1.

PRESIDENT CASSELL: Mr. Schrag?

MR. SCHRAG: May I suggest that this amendment be made to Rule 5.2, when we get to that place? It really would most appropriately go on the fourth page of the small print in the tables, where it says, "To reconsider," and there is a very logical place to put this, if we are going to put it there, which is the second-to-the-last sentence of the very long column of small print on that page, the next page -- page 14 of the rules. There is a sentence that already says, "Motions can be made at any time, but only by a person who voted with the winning side," and then Delegate Coates might wish to add, "on a roll call vote", and that would take care of the problem.

So I would suggest that he wait until we get to

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5.2.

PRESIDENT CASSELL: Does that satisfy you?

MR. COATES: Yes, Mr. President.

MR. BALDWIN: Mr. Chairman, I have a question I would like to raise to the Rules Committee. It deals with the second sentence. But my question also is overriding in a lot of the other chapters I see, so if it is cleared up now, I won't have to raise it at every chapter.

At a previous meeting, we adopted Robert's Rules of Order, Newly Revised, as our parliamentary authority. The Rules Committee, for some reason, are bringing in rules that are in direct conflict with our authority. And this can be done, but they need to make a statement as to why they are changing, and if in fact they make some rules that are in direct conflict with what we are expecting, they need to be clearly stated, and we need to know why they are suggesting and recommending any rules that are in direct conflict with our authority.

Now, the question in point in this particular sentence is that, "A vote shall not be reconsidered unless a motion for reconsideration is made by the member who voted with the prevailing side."

Now, if we adopt this -- and I'm not saying we

should; I'm just asking information, to show you that it does conflict with some of the previous actions we have taken -- if we adopt this, we are in direct conflict with some of our rules in this. There is a motion that can reconsider when the person has voted with the affirmative and the person has voted with the negative. And all I'm saying is we need to know why the Rules Committee -- and this definitely holds true in some of these other chapters why they are bringing in something in direct conflict; and secondly, when they do this, they need to state to us, "We feel that this rule is of such importance, even though it is in conflict with our parliamentary authority, that we need to adopt it."

PRESIDENT CASSELL: Delegate Baldwin, I don't believe that Robert's Rules of Order is referred to in these rules. Let me ask someone from the Committee --

MR. BALDWIN: I think you are missing the point, I think you are missing the point altogether.

PRESIDENT CASSELL: Well, let me finish. I don't believe that the adoption of Robert's Rules applied to the permanent Convention, only to the pre-convention activities.

MR. BALDWIN: Is that true?

MS. MASON: Yes.

PRESIDENT CASSELL: [illegible] by recollection.

MR. BALDWIN: When did we adopt that? I'm not arguing. I just want to know, what time did we adopt Robert's Rules of Order as the authority?

MR. KAMENY: Pre-convention.

MR. COATES: The first day, Saturday.

MR. BALDWIN: And then it got in on Sunday, at the official meeting of the Convention, and we have been using the -- I'm not arguing, but we've been using this over three -- so now you are saying to me, after we have had 10 or 12 meetings, we really didn't have any parliamentary authority.

PRESIDENT CASSELL: Delegate Long, and then Delegate Coates.

MR. LONG: I'm responsible for the motions, and I have two things to say. First, what we did was we adopted Robert's Rules for the period or time in which we were adopting our own rules. The table of motions departs from Robert's Rules in some aspects, this is true. At the time we discuss that, we can throw out the table and adopt Robert's Rules, if you wish. At that time, I am willing to defend the table and explain over, what you want to know about how the table got the way it is.

MR. COATES: Simply to repeat, Sir, that we originally adopted Robert's Rules until such time as we adopted our own rules. From the adoption of their rules, they take precedence over Robert's Rules.

PRESIDENT CASSELL: Delegate Harris?

MS. HARRIS: When these rules were developed by the Rules Committee, we had not at that time adopted Robert's Rules of Order as our guide. I think when we adopted Robert's Rules at our Sunday meeting, we stated that where our rules are silent, Robert's Rules of Order will prevail.

Now, I'm not sure if the table coincides with our revised copy. That is something we can take up individually, and Delegate Long has spoken to that particular table.

But I think that we had not adopted Robert's Rules when we did this.

PRESIDENT CASSELL: Delegate Jordan and then Delegate Robinson.

MR. JORDAN: Mr. President, as I understood the adoption process, it was a way of expediting the consideration of the rules as a whole. Robert's Rules of Order were used as a method for us to go through a procedure, an orderly method for us to go through a procedure. But we weren't bound to

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use Robert's Rules of Order at the moment that we adopted our permanent rules, nor are we bound by them in the process of adopting other rules -- that is to say, if there appears to be a conflict between what Robert's Rules of Order say and what our rules say, our rules take precedence.

There is one final thing I want to note. Once we adopt these rules finally, Robert's Rules of Order will not be in effect unless we state in the rules themselves that where our rules are silent, Robert's Rules of Order will prevail. And in the draft copy that I have of this document now, there is no reference to Robert's Rules of Order. So the only thing I can conclude is that the Rules Committee wanted us to have a set of rules that they felt would move us through the process of adopting the Constitution, and not to b encumbered with some of the provisions of Robert's Rules of Order.

But as I understand it at this point, if there is an area where there is a conflict or an apparent conflict betwee what our rules say and what Robert's Rules of Order say, we are bound to use our rules.

PRESIDENT CASSELL: Delegate Robinson?

MR. ROBINSON: As a member of the Rules Committee, may I please state that it was our intent as members of the

pre-Convention Rules Committee to report back to this body a set of rules that would cause you to think, first of all, and a set of rules that would cause you to tailor the rules to this specific body. As a result, Robert's Rules of Order was not the only rules of order manual consulted. There was Sturgis and a couple of others. But it is hopeful that we will tailor the rules to this elected body of 45 persons from the suggestions that we have put forth. That's why we should go through the process line by line and think in terms of tailoring the rules to this body.

And lastly, if we want to refer to Robert's Rules as the final authority in items where it is silent, then I think we really should, but we should tailor things to our specific needs.

PRESIDENT CASSELL: Delegate Maguire?

MS. MAGUIRE: I'd like to call the previous question of adopting Rule 4.1 as amended.

(The motion was duly seconded.)

PRESIDENT CASSELL: Okay, it has been moved and seconded that the question be called.

All those in favor of that motion, signify by saying aye.

(A chorus of ayes.)

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PRESIDENT CASSELL: Those opposed, nay.

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The motion carries.

Delegate Baldwin, did you have another point to make on that? I think I missed you --

MR. BALDWIN: Not really. I didn't need the Committee to say the same thing over and over. I asked for an explanation, and they gave it to me. But at some point, I think the Committee does need to say the statement that Ms. Harris gave, that in the absence of such-and-such, -- we need that kind of ruling, and I think all of us know that.

PRESIDENT CASSELL: Okay, we are now back to the main motion made by Charlotte Holmes, Delegate Holmes, on the adoption of Rule 4.1.

MS. CORN: I make a motion that we accept 4.1 as amended.

(The motion was duly seconded.)

PRESIDENT CASSELL: Is there discussion on that?

(No response.)

PRESIDENT CASSELL: All those in favor, signify by saying aye.

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(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed, nay.

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The motion carries.

We go now to Rule 4.2.

MS. HOLMES: Mr. President, I make a motion that we adopt Rule 4.2, page 9, with the proper corrections and amendments.

(The motion was duly seconded.)

PRESIDENT CASSELL: The motion is seconded, that we adopt 4.2 with amendments.

Discussion?

Delegate Harris?

Ms. Harris. Yes, on Rule 4.2, I'd like to move, first, line 8, after "of delegates". I'd like to move that -- I might have to have a division of these two things -- one is that delegates will be permitted to pass only once during roll call.

Secondly, the last sentence, that says, "The President's name shall always be called last", I'd like to move that that state that, "The President's name shall be

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called where it appears in the alphabetical order of roll call."

PRESIDENT CASSELL: Let me indicate that that probably is not necessary, inasmuch as that appears -- in fact, that would obtain if you struck that.

MR. KAMENY: Just strike out the sentence.

MS. HARRIS: Well, strike that sentence, yes. Strike, "The President's name shall always be called last."

PRESIDENT CASSELL: Is there a second to that?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has beenmoved and seconded that we add after "delegates" that "A delegate can be allowed to pass only once during roll call", and that we strike the last sentence, "The President's name shall always be called last."

Are you ready for the question?

Delegate Corn?

MS. CORN: I move for division.

(The motion was duly seconded.)

PRESIDENT CASSELL: There has been a move for division. What is your pleasure?

MS. CORN: That the part about "pass", if Delegate Harris will repeat it, be the first motion; and the motion

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to strike the last sentence be the second part of the division.

PRESIDENT CASSELL: Is there a second to that?

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that we divide the two questions.

Is there any discussion on that?

(No response.)

PRESIDENT CASSELL: Okay. Those in favor, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: It is so divided.

Delegate Kameny?

MR. KAMENY: Yes, I'd like to address the first question. With all due respect to Delegate Harris, I think it is slightly imperfect, because we can't pass if passing has not been authorized, and it has not been authorized at present. So there should be inserted that on a roll call vote, any delegate may pass, but only once.

MS. HARRIS: But I said that --

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MR. KAMENY: You said the second half of it. You didn't say a delegate may pass, because you can't pass only once when you haven't been authorized to do it in roll call.

MS. HARRIS: Only once during roll call vote.

MR. KAMENY: Yes, but it doesn't say you can pass in roll call unless you say you can pass -- a delegate may pass but only once, is what I am saying. I'm not changing the sense

PRESIDENT CASSELL: Delegate Cooper?

MR. COOPER: I think what Ms. Harris is saying is the fact that you may only pass once makes it implicit --

MR. KAMENY: If you want to accept that, all right. I wanted to make it explicit.

PRESIDENT CASSELL: Delegate Mason?

MS. MASON: I need to understand the concept of passing while voting. If we were to place on the floor now the adoption of Rule 4.2, and if enough people said "aye" and not enough said "Nay" so that it would pass, when would the passing people get a chance to vote?

I'm saying, even with the roll call, the person would not get a chance to come back -- or, would that person get a chance to come back?

MR. KAMENY: Once.

MS. MASON: Do you mean, even though you had

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enough "Ayes" to pass it, it would come back for people to vote, just for the record?

A VOICE: Yes.

MS. MASON: I just wanted to understand that that would be mainly for the record.

All right, thank you.

PRESIDENT CASSELL: Order, please.

Delegate Harris?

MS. HARRIS: Delegate Mason, when you come back for the record, it is also for the total vote, for the final, official vote. Now, if you want to say for the record, fine.

MS. MASON: Mr. Chairman, I want to make it clear that I'm not opposed; I'm trying to understand. I also understand that we're slowing down our voting process when we do that.

MR. KAMENY: That's why we do it only once.

PRESIDENT CASSELL: Delegate Corn?

MS. CORN: I would speak against limitations on how many times a delegate may vote to pass or may state "Pass". As you go along on the voting list, things may change as you go along, or you may come to a decision based upon how others have voted. Putting that limitation is unnecessary. If things are that crystal-clear, you

wouldn't vote "Pass" to begin with.

I move a substitute motion on the first half of Delegate Harris' motion, and if you'll state it exactly, I'll state the correction. I would move that a delegate may vote "Pass" with no limitation -- a delegate may state "Pass" with no limitations as to the amount of time. That's the substitute motion.

PRESIDENT CASSELL: The motion to divide is still on the floor.

MR. KAMENY: I call the question on the motion to divide.

PRESIDENT CASSELL: The Chair stands corrected.

Is there a second to that motion?

MS. CORN: There was a second.

PRESIDENT CASSELL: Please restate that motion.

MS. CORN: Are you saying was there a second to the motion to divide?

MR. KAMENY: No. That's over with.

PRESIDENT CASSELL: No, no. Please state your motion.

MS. CORN: The substitution motion is that a delegate may vote "Pass", period. That obviates any amount of time that a delegate may vote "Pass". "A delegate may state

'Pass'," period. That's the substitute motion.

PRESIDENT CASSELL: One moment, please. (Conferring with Parliamentarian.) Okay. Delegate Corn's motion is that a delegate may pass, and that that amendment is to be added to this.

Is there a second to that motion?

(No response.)

PRESIDENT CASSELL: That motion loses for a second.

Yes? Delegate Long?

MR. LONG: I want to speak against the amendment to allow "Pass" at all. I think it is going to result in too much fooling around. If we're going to vote, let's vote. We take a tremendous amount of time in voting now. We have, up to this point, counted many votes when they were already clearly won by one side or the other, and I would like to reduce the processing time and also the strategic moves that a "Pass" would allow, and let us come to the question squarely and say "Yes" or "No", however we want to stand on it.

PRESIDENT CASSELL: We are back to the first half of Delegate Harris' motion, and that is that you may pass only once during a roll call vote.

Are we ready for the question?

All in favor of that first half of the divided

motion, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(A chorus of nos.)

PRESIDENT CASSELL: Let me have a show of hands. All in favor of the first half.

A VOICE: What is the first half?

MR. COOPER: The first half is that a delegate shall be allowed to "Pass" only once during the roll call.vote.

PRESIDENT CASSELL: A delegate may be allowed to "Pass" only once during roll call votes. That's what you are voting on now.

(A show of hands.)

PRESIDENT CASSELL: Those opposed?

(A show of hands.)

PRESIDENT CASSELL: Abstain?

(A show of hands.)

PRESIDENT CASSELL: The vote is 22 in favor, 5 against, and 6 abstaining. The motion passes.

We are now at the second --

MR. B. MOORE: Just a point of clarification. What happens if a delegate is not in the room when a vote is taken? Are they declared absent and cannot vote on the second

time around, or what? What happens if they walk in 30 seconds after --

PRESIDENT CASSELL: If the delegate is not present, the delegate cannot vote.

MS. EICHORN: I think what he is asking is if the delegate walks in during the second call of the roll, would he or she be able to vote, if their name has not been called the second time through the roll.

PRESIDENT CASSELL: I don't know whether the rules speak to that, do they?

(Simultaneous conversation.)

MR. BALDWIN: Common sense speaks to it.

MS. EICHORN: I would think you would allow a person to vote if their name has not been called the second time.

PRESIDENT CASSELL: That would be at the discretion of the presiding officer.

Yes?

MR. CROFT: Point of information of the maker of the motion. I don't understand what the sense of the last half of the motion is, striking the last sentence, "The President's name shall always be called last." Does that mean that the name will be called in the order, alphabetical order?

MS. CORN: Yes.

MR. CROFT: Okay.

PRESIDENT CASSELL: Delegate Coates?

MR. COATES: I should think that no delegate could vote after the final count has been announced by the Chairman.

PRESIDENT CASSELL: That wasn't the question.

MS. CORN: I think the point that Delegate Moore and Delegate Eichorn were addressing is the situation as follows. Somebody goes out for a cigarette, or to go use the facilities, and even though you know your name begins with an "S", and normally, you would therefore be at the bottom of the roll call, and you think you would be back in time, since the roll call is rotating, they might call you sixth, and you are out smoking, or out using the facilities. And you come back in, and now, they are going through the "A's" and the "B's". Can you then say, "I'd like to cast my vote", or have you been declared absent, and you are denied the vote?

I think that that sort of situation, while I do not have a specific motion, I would hope that someone in this body would have a specific motion to address that specific problem.

MS. FREEMAN: We have a motion on the floor.

PRESIDENT CASSELL: We do, we do.

Delegate Cooper?

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MR. COOPER: I'd like to speak to the other half of this divided motion, and I'd like to speak against it, mainly out of division. It has been the duty of the President that in the case of a tie vote that he casts the deciding ballot, and this can only be done if his name is called last, and I wouldn't want to see any other of my fellow delegates put in the position of having to be held accountable for casting the decisive ballot in the case of a tie. I think this should be left to the President.

PRESIDENT CASSELL: Delegate Simmons, and then Delegate Long.

MS. SIMMONS: I would certainly speak for supporting what is in the record, "The President's name shall always be called last." That did occur as a result of history, which suggests that the President should be influential. And rather than having the President initiate or early on influence the body, rather than to permit that full deliberation to occur within the judgment of the individual delegates, that's why this has been historically, traditionally true.

I think that it is just as valid today. I would see our President as no different than the Presidents in the past in deliberative bodies, and I'd like to see us defeat the amendment and leave it as written by the Rules Committee.

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PRESIDENT CASSELL: One more, and then we're going to work.

MR. KAMENY: As I understand ordinary procedure -- obviously, we don't have to follow that, if we don't want -- the usual rule has been that a chairperson, or person functioning as such, in general does not vote, but may vote either to make a tie or to break a tie, but not both. And this would seem to -- the present langage that is now here would seem to be essentially consistent with that.

PRESIDENT CASSELL: Okay. May we vote on the second half of the divided motion, and that is to strike, "The president's name shall always be called last."

MS. HARRIS: Mr. President, in light of the discussion, may I withdraw that?

PRESIDENT CASSELL: Very good.

We are back to the adoption of Rule 4.2.

MR. CROFT: I so move the adoption of Rule 4.2 as amended.

(The motion was duly seconded.)

PRESIDENT CASSELL: It has been moved and seconded that 4.2 be adopted as amended.

MS. CORN: Point of information. The question I raised before has still not been clarified. What if somebody

who has been here when the quorum is called is out of the room, either to use the facilities, or to smoke, or whatever. How are you going to handle that here? How will that be handled? I'd like that in the record.

MR. LONG: I move that we amend 4.2 with some language, which I shall try to invent now, that any delegate may vote on a roll call vote up until the time the President announces the result.

MS. CORN: I second that motion.

PRESIDENT CASSELL: It has been moved and seconded that any delegate may vote on a roll call vote up until the time that the President announces the result.

Delegate Simmons?

MS. SIMMONS: Mr. President, I am going to support the amendment that is before us, because I do believe that every delegate wants, as a matter of record, to be recorded in terms of what their position is. And I think if we don't make this language, then we will be bound, as I understand, on any item on which we are silent, we will be bound by Robert's Rules regardless, and I think that requires two-thirds. That becomes a time-consuming process, to then have that reconsideration.

So if the final count has not been announced, I think

that it is appropriate to permit people to be recorded.

PRESIDENT CASSELL: Delegate Schrag?

MR. SCHRAG: I just have a question about this. I wonder whether passing this amendment isn't inconsistent with what we have just done. That is, suppose a delegate passes the first time around, and then wants to pass the second time around, but sees that our rules say that he can't, so goes out for a smoke until after the second time that the people's passes are recorded, and then plans just to come in, watches what is going on, and comes in from the spoke after all the passes are finished. This would, in effect, allow people to pass twice, and I think that is out of order, because I think it is essential to get reconsideration of what we have just accomplished when we say delegates may pass only once.

PRESIDENT CASSELL: Delegate Moore?

MR. T. MOORE: Mr. President, I don't think we should do anything that would limit the person's ability to vote if they are here and present at the quorum. So I think that I would recommend that that be left up to the discretion of the Chair.

PRESIDENT CASSELL: Delegate Baldwin?

MR. BALDWIN: Mr. Chairman, I concur with Delegate

Simmons' statement in toto.

PRESIDENT CASSELL: Howard Croft?

MR. CROFT: I move the previous question.

PRESIDENT CASSELL: The previous question has been moved.

(The motion was duly seconded.)

PRESIDENT CASSELL: All in favor of cutting off debate, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(A chorus of nos.)

PRESIDENT CASSELL: Any abstentions?

(No response.)

PRESIDENT CASSELL: Very good. We are back to the main motion.

A VOICE: Would you restate that, please?

MR. COOPER: That would be that, "Any delegate may vote on a roll call vote up until such time as the President announces the result."

PRESIDENT CASSELL: It has been properly moved and seconded that any delegate may vote up until the time that the President announces the result.

All in favor of that motion, signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed?

(No response.)

PRESIDENT CASSELL: Abstain?

(No response.)

PRESIDENT CASSELL: The motion is approved.

Delegate Mason?

MS. MASON: This may not be appropriate, but I'd like to put on the record that we may consider at some time before we finalize the whole package of rules that delegates who may, for one reason or another, not be present at the time when an action is taken may be able to have it recorded that the delegate is either for or against whatever was taken, as is provided for in the Council.

PRESIDENT CASSELL: Are you making a motion?

MS. MASON: I'm sorry -- it is not counted as a vote, but he may be recorded.

MR. KAMENY: Is that a motion?

MS. MASON: I don't know if it is time. I had my hand up, but the people called for the question.

MR. SCHRAG: That would be 4.4. Add it later when we get to the end of this.

MS. MASON: Fine. Thank you.

PRESIDENT CASSELL: Yes, sir?

MR. SCHRAG: Mr. President, may I just state that I hope that the result of the vote that we just took does not mean that we will countenance the behavior of deliberately absenting oneself, as I outlined, and that the purpose of what we did is in the event of a delegate accidentally not making back to the chamber in time, not for the purpose of use of this procedure described. I hope that is understood.

MS. SIMMONS: Delegate Schrag, you are engaging in the power of suggestion.

(Laughter.)

MR. SCHRAG: No, I am engaging in the power of non-suggestion.

(Laughter.)

PRESIDENT CASSELL: All right. Is there a point of clarification?

MR. B. MOORE: Yes, point of clarification. Mr. President, is it your understanding of the previous motion that was just passed that you now have the authority to withhold declaring the final vote until you deem necessary, even though --

PRESIDENT CASSELL: No. I don't understand what you mean, "withhold" the vote.

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MR. B. MOORE: In other words, say the vote came out to 20 to 19, but there were three delegates outside who wanted to come in and vote; and then, if you were in favor and the motion was defeated, you could purposely delay.

PRESIDENT CASSELL: No. There is nothing in that motion which allows the president to use that kind of dilatory tactic. He should be chastised and overruled if he did so.

Okay, very good. I'll entertain a motion now to adopt Rule 4.2 in its entirety.

MR. CROFT: I so move that we adopt Rule 4.2 in its entirety, as amended.

(The motion was duly seconded.)

PRESIDENT CASSELL: It is properly moved and seconded that Rule 4.2 be adopted as amended in its entirety.

Are you ready for the question?

Those in favor signify by saying aye.

(A chorus of ayes.)

PRESIDENT CASSELL: Those opposed, signify by saying

(No response.)

MR. COATES: I had an amendment, Mr. Chairman, and that is that any delegate interrupting the roll call be impeached.

(Laughter.)